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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112

EXAMINER

MAYES, M

ART UNIT

PAPER NUMBER

1734

10

DATE MAILED:

10/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/365,510

Applicant(s)

Suzuki et al.

Examiner

Curtis Mayes

Art Unit

1734



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 21, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102 and 103***

(1)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(2)

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nakazawa et al.

Nakazawa et al. disclose a method and apparatus for laminating comprising: providing a printer having an ink jet recording means; forming an image on a sheet by the ink jet recording means; providing a laminating apparatus connected to the printer and having pressure rollers 40a, 40b having laminate heaters 44<sup>a</sup>, 44b; and feeding the sheet between the pressure rollers together with laminate films to laminate the films to the sheet by heating and pressurizing (col. 4, line 16 - col. 5, line 25, col. 20, lines 46-59).

In addition, the presently claimed function of smoothing the surface of the thermoplastic film by heating and pressurizing means would obviously have been provided as a result of the operation of the apparatus and process of Nakazawa et al. of using heated pressure rollers to laminate the films to the sheet by heating and pressurizing. Note In re Best, 195 USPQ at 433, footnote 4 (CCPA 1977) as to the providing of this rejection under 35 USC 103 in addition to the rejection made above under 35 USC 102.

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(3)

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa et al. as applied to claim 1 above, and further in view of Yamamoto et al. and Ogawa et al.

Yamamoto et al. teach that to give gloss to a print formed by ink jet recording, a lamination treatment of the recorded surface with a film after the image is formed has been practiced (col. 1, lines 51-55).

Ogawa et al. teach that an ink jet recording sheet is provided with a 75° gloss of most preferably at least 80% (col. 4, lines 16-19).

It would have been obvious to one of ordinary skill in the art to have modified the method of Nakazawa et al. by using the laminate films to provide the ink jet recorded sheet with a gloss as Yamamoto et al. teach that lamination treatment of a film to an imaged surface is used to give gloss to the print formed by ink jet recording. Providing the pressure rollers with a surface glossiness as claimed in Claims 2 and 3 in order to provide the laminate films with a gloss would have been obvious to one of ordinary skill in the art as Ogawa et al. teach that an ink jet recording sheet is provided with a 75° gloss of at least 80%.

(4)

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa et al.

Providing the laminate films with a film-forming temperature lower than that of a binder resin in the image receiving layer of the sheet would have been obvious to one of ordinary skill in

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the art to prevent deformation of the image recorded in the receiving layer during heat and pressure lamination of the laminate films to the ink jet recorded sheet.

(5)

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazawa et al. as applied to claim 1 above, and further in view of Yamamoto et al. and JP 5-269949.

Yamamoto et al. teach that to give gloss to a print formed by ink jet recording, a lamination treatment of the recorded surface with a film after the image is formed has been practiced (col. 1, lines 51-55).

JP '949 teaches that to provide excellent surface glossiness to a printing paper, a film of a resin layer and adhesive layer is layered on the printing paper (Abstract).

It would have been obvious to one of ordinary skill in the art to have modified the method of Nakazawa et al. by providing the laminate films as a laminate of resin layer and adhesive layer as taught by JP '949 to provide excellent surface glossiness to a printing paper, as Yamamoto et al. teach that lamination treatment of a film to an imaged surface is used to give gloss to the print formed by ink jet recording.

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*Response to Arguments*

(6)

Applicant's arguments filed August 21, 2001 have been fully considered but they are not persuasive.

Applicant argues that Nakazawa et al. do not teach or suggest using a laminating film comprised of a thermoplastic film without a backing layer, as now claimed, but instead uses a conventional two-layer laminate film.

(7)

According the present specification, in the present invention, a thermoplastic resin film alone is laminated without use of a base material film that has heretofore been used. In the conventional laminating method, this base material film is peeled off after the transfer layer is applied on the recorded image and the transfer layer alone left as a protective layer. Thus in Claim 1 as amended, the "backing layer" corresponds to the base material film that in the conventional laminating method is peeled after laminating.

Nakazawa et al. disclose laminating heat reactive "lamine films" to an ink jet recorded sheet. There is no disclosure of any backing being peeled or stripped from these "lamine films" after laminating the "lamine films" to the sheet. After the "lamine films" are laminated to the sheet by heat and pressure, the lamine film is cut after laminating and the lamine-treated sheet is ejected into a lamine tray. There is no disclosure of removing any backing, the presently claimed "backing layer," from the lamine films nor is there any suggestion of a backing that has

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to be removed, being that the laminate films are cut and the laminate-treated sheet is ejected into a tray directly after laminating. Nakazawa et al. do disclose using a two-layer laminate film having a coating of heat fusible adhesive, however, there is no indication that one of the layers of this laminate is a "backing layer" that is or has to be peeled or stripped after laminating.

***Conclusion***

(8)

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

(9)


Applicant is encouraged to **FAX** After Final Amendments (37 CFR 1.116) to expedite delivery to the Examiner. The Tech Center 1700 official facsimile number for After Final faxes is

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(703) 305-3599. a duplicate mailed copy of the facsimile transmission is not required and will only serve to delay processing of your application. The facsimile number for other official papers is (703) 305-7718, and the fax number for unofficial papers is (703) 305-7115.

When filing a FAX in Tech Center 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with PTO that are not for entry into the file of the application. This will expedite processing of your papers. If applicant prefers to mail in After Final correspondence it is highly recommended that such be mailed **BOX AF** which will also facilitate processing from the mailroom and within Tech Center 1700.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis Mayes, whose telephone number is (703) 308-1977. The examiner can be reached between the hours of 7:30 AM and 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino, can be reached on (703) 308-3853. The receptionist number for Tech Center 1700 is (703) 308-0661.

  
**CURTIS MAYES**  
**PRIMARY EXAMINER**  
Art Unit 1734  
October 23, 2001